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Date of Deposit: <u>12/31/2003</u>
 Ref: Case Docket No.: <u>P3253</u>

First Named Inventor: Alec Miloslavsky

Serial Number: <u>08/948,530</u> Filing Date: <u>10/09/1997</u>

Title of Case: Apparatus and Methods Enhancing Call Routing To and Within Call-

Centers

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Applicant claims small entity status. See 37 CFR 1.27

330.00 TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known				
Application Number	08/948,530			
Filing Date	10/09/1997			
First Named Inventor	Alec Miloslavsky			
Examiner Name	Stephen H.D. Nguyen			
Art Unit	265ECEIVE			
Attorney Docket No.	P3256LUL			

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to the above-identified deposit account.	1005	1,040	1003	1,040	Examiner action		
FEE CALCULATION	1251	110	2251	55	Extension for reply within first month	<u> </u>	
1. BASIC FILING FEE	1252	420	2252	210	Extension for reply within second month		
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1003 530 2003 265 Plant filing fee	1402	330	2402	16	5 Filing a brief in support of an appeal	330.00	
1004 770 2004 385 Reissue filing fee	1403	290	2403	14	5 Request for oral hearing		
1005 160 2005 80 Provisional filing fee	1451	1,510	1451	1,51	Petition to institute a public use proceeding		
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over original patent	1801	770	2801	38	5 Request for Continued Examination (RCE)		
1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent	1802	900	1802	90	Request for expedited examination of a design application		
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**or number previously paid, if greater; For Reissues, see above	*Redu	uced by	/ Basic	Filing	Fee Paid SUBTOTAL (3) (\$)	330.00	
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12/31/2003

Donald R. Boys

Name (Print/Type)

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES **GROUP ART UNIT:** 2665 **EXAMINER:** Nguyen, Stephen H. D.

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JAN 0 7 2004

Technology Center 2600

**INVENTOR:** 

Alec Miloslavsky

CASE:

P3253

**SERIAL NO.:** 

08/948,530

FILED:

10/09/1997

**SUBJECT:** 

**Apparatus and Methods Enhancing Call Routing To** 

and Within Call-Centers

PARTY IN INTEREST: All inventions in the disclosure in the present case are assigned to or assignable to:

Genesys Telecommunications Laboratories, Inc. 2001 Junipero Serra Blvd. Daly City, CA 94014

THE COMMISSIONER OF PATENTS AND TRADEMARKS WASHINGTON, D.C. 20231

SIR:

## APPEAL BRIEF

37 C.F.R 1.192(c)(1) Real Party in Interest

The real party in interest is the party named above in the caption of the

brief,

Genesys Telecommunications Laboratories, Inc. 2001 Junipero Serra Blvd. Daly City, CA 94014

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## 37 C.F.R 1.192(c)(2) Related Appeals and Interferences

This is an appeal from the action of the Examiner dated August 08, 2003 finally rejecting claims 6-9 and 14-16, the only pending claims in the application. There are no related appeals or interferences in the instant case.

### 37 C.F.R 1.192(c)(3) Status of the Claims

Claims 1-13 were submitted with the original patent application USSN 08/948,530, filed on October 9, 1997. Claims 1, 6, 11 and 13 were amended in appellant's Amendment A filed March 1, 1999 in response to the first Office Action mailed November 30, 1998, rejecting claims 1-13. Claims 6-9, 11 and 12, were amended and claims 1-5 and 13 cancelled in appellant's Preliminary Amendment filed September 1, 1999, in response to the Final Office Action mailed May 20, 1999, rejecting claims 1-13. Appellant presented further arguments in appellant's Amendment C filed February 3, 2000 in response to the non-Final Office Action mailed November 30, 1999, rejecting 6-12. Claims 11-12, were canceled and appellant accepted allowability of claims 6-10 in appellant's Amendment D filed May 12, 2000 in response to the Non-Final Office Action mailed April 27, 2000, rejecting claims 11-12 and indicating claims 6-10 as allowable. Appellant amended claim 6, cancelled claim 10 and added new claims 14-16 in appellant's Amendment D filed November 7, 2000 in response to the non-final Office Action mailed August 15, 2000, rejecting claims 6-10. Appellant amended claim 14 and presented further argument in appellant's Preliminary Amendment filed April 16, 2001 in response to the Final Office Action mailed January 31, 2001 rejecting claims 6-9 and 14-16. Appellant presented further arguments in appellant's Amendment F filed September 28, 2001 in response to the non-Final Office Action mailed July 03, 2001 rejecting claims 6-9 and 14-16. Appellant presented further arguments in appellant's Preliminary Amendment filed February 20, 2002 in response to the Final Office Action mailed December 17, 2001 rejecting claims 6-9 and 14-16. Appellant presented further arguments in appellant's Amendment G filed July 3, 2002 in

response to the non-Final Office Action mailed May 07, 2002 rejecting 6-9 and 14-16. Appellant amended claims 6-9, 14 and 16 in appellant's Response H filed January 7, 2003 in response to the Final Office Action mailed October 18, 2002, rejecting claims 6-9 and 14-16. Appellant presented further arguments in appellant's Response I filed May 28,2003 in response to the non-final Office Action mailed March 28, 2003 rejecting claims 6-9 and 14-16.

Therefore, claims 6-9 and 14-16 in their last-amended form as in the amendment filed on May 28, 2003 are left standing for examination and have been maintained in that present form until the present Appeal.

#### 37 C.F.R 1.192(c)(4) Status of Amendments

Following is a chronological listing of Office actions and Amendments filed in the instant case:

- 1. Case filed with claim 1-13 on October 09, 1997, case accorded USSN 08/948,530.
- 2. First Office Action mailed November 30, 1998 rejecting claims 1-13.
- 3. Response filed March 1, 1999 as Amendment A amending claims 1, 6, 11 and 13.
- 4. Final Office Action mailed May 20, 1999 rejecting claims 1-13.
- 5. Response to Final Action filed on September 1, 1999 as Preliminary Amendment amending claims 6-9, 11 and 12, and canceling claims 1-5 and 13.
- 6. Non-Final Office Action mailed November 30, 1999 rejecting claims 6-12.
- 7. Response filed February 3, 2000 as Amendment C presenting further arguments.
- 8. Non-Final Office Action mailed April 27, 2000 rejecting claims 11-12 and indicating claims 6-10 as allowable.
- 9. Response filed on May 12, 2000 as Amendment D canceling rejected claims 11-12 and accepting allowability of claims 6-10.
- 10. Non-Final Office Action mailed August 15, 2000 rejecting claims 6-10, indicated as allowable in previous Office Action mailed April 27, 2000.
- 11. Response filed November 7, 2000 as Amendment D amending claim 6, canceling claim 10 and adding new claims 14-16.
- 12. Final Office Action mailed January 31, 2001 rejecting claims 6-9 and 14-16.

- 13. Response filed on April 16, 2001 as Preliminary Amendment amending claim 14 and presenting further arguments.
- 14. Non-Final Office Action mailed July 03, 2001 rejecting claims 6-9 and 14-16.
- 15. Response filed September 28, 2001as Amendment F presenting further arguments.
- 16. Final Office Action mailed December 17, 2001 rejecting claims 6-9 and 14-16.
- 17. Response to Final Office Action filed on February 20, 2002 as Preliminary Amendment presenting further arguments.
- 18. Non-Final Office Action mailed May 07, 2002 rejecting claims 6-9 and 14-16.
- 19. Response filed on July 3, 2002 as Amendment G presenting further arguments.
- 20. Final Office Action mailed October 18, 2002 rejecting claims 6-9 and 14-16.
- 21. Response to Final Office Action filed on January 7, 2003 as Response H amending claims 6-9, 14 and 16.
- 22. Non-Final Office Action mailed March 28, 2003 rejecting claims 6-9 and 14-16.
- 23. Response filed on May 28,2003 as Response I presenting further arguments.
- 24. Notice of Appeal filed November 20, 2003.

As of the time of this Appeal Brief, claims 6-9 and 14-16 as last amended stand for decision on appeal from the Examiner's Final rejection made on August 08, 2003.

## 37 C.F.R 1.192(c)(5) Summary of the Invention

The invention is a call-routing system for routing Internet Protocol Network Telephony (IPNT) calls to at least one agent workstation in an IPNT-capable call center, comprising an initial call processing system in the Internet receiving IPNT calls from customers in the Internet, and including a Service Control Point (SCP) processor routing the incoming IPNT calls to selected agent addresses at the call center. The call center system and apparatus according to a first embodiment of the invention is illustrated in Figure 1. The system diagram of a call-rerouting system according to another embodiment of the present invention is depicted in Figure 6. Communication functionality between the equipment groups, and a unique call routing system according to embodiments of the invention are represented in the block diagram of Figures 2A and 2B respectively. Process flow charts illustrating various steps associated with routing an incoming call to a selected destination according to preferred embodiments of the invention are depicted in Figures 3, 4 and 5.

The call routing system and apparatus according to the first embodiment of the invention is depicted in Figure 1, and is exemplified in independent claim 6, which recites an IPNT call routing system for routing incoming IPNT calls, characterized in that the Service Control Point (SCP) processor 208 uses activity information, including one or more of call volume, agent status and agent skills received from at least one of call centers 121 and 122, to select the agent addresses of at least one of the agent workstations 131 and 132 in the call center to route the incoming IPNT calls.

In a preferred embodiment as shown in Figure 1, communication between the Computer Telephony Integration (CTI) processor 223 at the call center and the SCP processor 208 is by TCP/IP protocol. Also in this embodiment the CTI processor and the plurality of computer platforms of the agent stations are connected on a local area network 301 at the call center. The call routing system of this embodiment also comprises a data server processor 303 connected to the LAN, the data server processor running an instance of a database comprising data associated with customers placing incoming calls to the call routing system.

As shown in Figure 2B a unique call routing system for routing incoming IPNT calls to the agent workstation in an IPNT-capable call center is also provided, and is exemplified in independent claim 14, which recites the IPNT call processing system in the Internet, comprising an Internet routing server 342 in the Internet for routing IPNT calls, and a database 344 connected to Internet routing server receiving and storing processed information about transactions in the call center, including at least one of call volume, agent status, or agent skills at the remote IPNT call center, wherein the Internet routing server selects final destinations for the incoming calls based on the stored processed information about transactions at the IPNT-capable call centers. In a preferred embodiment the database receives the processed information in TCP/IP protocol over the Internet.

In accordance with the preferred embodiment described above for processing and routing IPNT calls to the agent workstation in the call center, a method for routing the incoming IPNT calls to the selected destination is provided. Independent claim 16 is directed to the method, which comprises the steps of collecting information at the CTI processor in an IPNT call center regarding operations of the call center, processing the collected information, transferring the processed information to a database associated with a routing processor in the Internet network for intercepting and routing incoming calls, receiving an incoming IPNT call at the routing processor, retrieving the processed

information from the database and selecting a destination for the call based on the processed information retrieved.

#### 37 C.F.R 1.192(c)(6) Issues

Whether the Examiner in the present case makes a proper rejection of claims 6-8 as unpatentable over the system of Ginsburg in view of Becker, claim 9 as unpatentable over Ginsburg and Becker in view of Bateman, and claims 6-9 and 14-16 as unpatentable over Andrews et al. in view of Becker. Appellant asserts that the combination of references relied upon by the Examiner lacks motivation and fails to teach or suggested the present invention as claimed. Appellant argues that none of the references cited and applied by the Examiner provide enabling disclosure of the service control point (SCP) at the Internet level, or a database collecting IPNT data from a plurality of call centers at the Internet level, as is taught and claimed by the invention of the present patent application.

## 37 C.F.R 1.192(c)(7) Grouping of Claims

All of the claims stand or fall together, and there is no grouping presented of separately patentable claims.

#### 37 C.F.R 1.192(c)(8) Argument

In the Office Action mailed August 8, 2003 the Examiner reasserted the 103(a) rejection of claims 6-8 as unpatentable over the system of Ginsburg in view of Becker, claim 9 as unpatentable over Ginsburg and Becker in view of Bateman, and claims 6-9 and 14-16 as unpatentable over Andrews et al. in view of Becker, duplicating the prior rejection presented in the prior Office Action.

Appellant's prior arguments filed May 28, 2003 that the combination of references failed to teach the SCP at the Internet level, and also failed to teach receiving agent information from a plurality of call centers for storing in database in order to route incoming calls in the call center, were not persuasive to the Examiner.

Regarding claims 6-8 to Examiner has stated that the reference of Ginsburg discloses an IPNT call routing system comprising and an initial call processing system in the Internet receiving IPNT calls from customers in the Internet, including a service control point (SCP) processor routing the incoming IPNT calls to the selected agent addresses at the at least one call center by using activity information received from the at least one call center to select the agent addresses at agent workstations at the call center to route the incoming IPNT calls. The Examiner says Ginsberg fails to disclose that the SCP receives agent information from a plurality of call centers for storing in the database in order to route the incoming calls to the call center. The Examiner has relied on Becker for teaching this deficiency, contending that it therefore would have been obvious at the time of the invention to combine the system and method of Becker into the system of Ginsburg.

Appellant has extensively argued in previous prosecution that Ginsberg fails to teach the SCP and its intelligent routing functions and capability at the

Internet network level, and all of the components used to route communications from customers to agents in Ginsburg do not reside at the Internet network level; rather, the routing system, and thus its components and functionality, resides at the customer premises and serves only that customer. Ginsberg, therefore, fails to teach or suggest the claimed Internet SCP processor.

In the Final Office Action mailed August 8, 2003, the Examiner replied that Ginsburg discloses a control and signaling module (275) which couples to databases including agent information used for routing the incoming call from a server (200) to an available agent at the call center (250) wherein the call center connects with the control and signaling module via Internet link. The Examiner has further stated that the control and signaling module 275 reads on a SCP which is used to store information about agents of the call center and collects the information about the agents from the Internet based switch of the call center, and that the SCP is not located at the call center.

Appellant wishes to direct the Board's attention to the claimed Internet level SCP processor which provides a new and innovative approach to IPNT call routing, wherein the Internet SCP accesses specific information received from one or more IPNT-capable call centers, to intelligently route IPNT calls at the Internet network level. The claimed SCP processor uses the activity information to intelligently route the incoming Internet call, at the Internet network level, to the agent best suited for the call based on the activity information.

Ginsberg, on the other hand, with reference to Figure 2, teaches a control and signaling module 275 which is connected to the Internet network, which sends control signals to the call center switching element 250, which Ginsburg teaches may be Internet-based, in response to user-initiated signals received by control and signaling module 275. The customer of Ginsburg, upon contacting the call center and establishing communication with the desired organization, is provided

with a graphical display viewable on device 175, provided by display server 200, which resides, along with control and signaling module 275, at the customer premises, serving only that customer. The "call", as it is referred to in the disclosure, is placed into Ginsburg's system, originating from the customers interactive display device 175.

Appellant must reiterate that the routing system of Ginsburg is at the customer premises, serving only that customer, and the Internet user controls routing of calls by initiating signals via the customer's graphical display, and therefore, there can be no motivation present in Ginsburg to provide an initial call processing system, CTI, or service control point at Internet network level. All of the routing "intelligence" is provided by the customer, i.e. which information to receive, or into which agent's queue to be placed, and so on. Central computerized routing intelligence, which is the purpose of SCP's known in the Telephony art, is therefore not required in Ginsburg because the Internet customer or "caller" provides most of the signal input directing routing functions and decisions.

Ginsberg fails to teach, or have motivation for an initial call-processing system in the Internet including a service control point, which receives the agent information from a plurality of call centers for storing in the database in order to route the incoming calls to the call center. The Examiner has relied on Becker for teaching or suggesting in the same field of endeavor, a method and system including a call center router and a data collection server having a database which stores received information about agent status at the call center, stating that it would have been obvious to one of ordinary skill in art at the time of the invention to couple a plurality of call centers into the Internet for reporting agent information to a data collection server and retrieving and using the information to route to the incoming calls to call center, as taught in the system and method of

Becker, into the system of Ginsburg, the motivation been to perform load balancing between call centers.

Becker, however, does not receive agent information from a plurality of call centers for storing in a database in order to route the incoming calls in a call center. The Examiner has stated that Becker discloses a CTI data collection server 38 for collecting data at the network level from the call centers via Internet 26 from CTI server 60, and when a call center router receives a call, it uses the collected information to determine which call center has an available agent, and routing the call to that call center.

The clear deficiency in the teachings of Becker, however, is that Becker teaches that for each call received at the network switch 30, the individual call centers are queried for agent availability and load status, etc., before making a routing decision for that call. The information is queried from each call center on a per-call basis, and there is no storing in a database at the Internet network level, of call status information, or any other information used for routing the incoming call. Further, Becker lacks any teaching of Internet equipment capable of performing the database and service control point functions at the Internet network level, as taught in the claimed invention. It is appellant's strong opinion that the Examiner has misinterpreted the combined art of Ginsburg and Becker for reading on appellant's independent claim 6.

Regarding claims 6-9 and 14-16, the Examiner has maintained the rejection of claims as unpatentable over Andrews in view of Becker, stating that Andrews teaches an IPNT call processing system comprising an initial call processing system in the Internet (408) for receiving calls from customers (410, 412) in the Internet. Appellant argues, however, that Andrews fails to teach any intelligent routing at the Internet network level because the routing server (48 or 480) used to further route the incoming IPNT calls is at the customer premises.

There is no teaching or suggestion in Andrews of an initial call processing system in the Internet including a service control point as claimed. The "initial call processing" element, referred to as element 408, is taught in Andrews to <u>be</u> the Internet, not an initial call processing system in the Internet.

Referring to Figure 10 of Andrews, an embodiment is taught wherein calls are received from the Internet and routed to "Internet Agents", router 470 controlling routing to and through Internet agents 482 and/or multimedia services 484 of Internet calls connected to the Internet server 480 via the Internet network 408, based upon the control signals received from the central controller, signals generated based upon service requests from Internet callers. The agent station 402 comprises a database of caller-related information, such as previous caller transactions, profile and/or account information, etc., but the database of Andrews is not connected to a routing server in the Internet, receiving and storing processed information about transactions in the call center. The database of Andrews clearly does not store processed information about IPNT call centers as claimed, and there is no enabling disclosure in the art of Andrews teaching the connection, or communication between the routing server and a service control point in the Internet.

Appellant argues that the Examiner's rejection of the base claims as obvious over Andrews in view of Becker fails because at the time of filing of the present application, service control points did not exist in the Internet, and Internet routing nodes known in the art at the time were simply not capable of doing skill-based routing, or any other intelligent routing; rather, the nodes are limited to using routing tables only.

It has been repeatedly argued by appellant in ongoing rounds of prosecution, that Andrews does <u>not</u> teach or suggest a service control point in the Internet, or even an initial call processing system in the Internet. The art provided

by the Examiner in this case still clearly fails to disclose or suggest a computerized service control point providing central routing intelligence in the Internet. The language of the present claims specifically limit the initial call processing system and service control point to the Internet, and the Examiner, to date, has not provided any enabling disclosure in Andrews which reads upon the specific limitations.

The teaching of Andrews differs from the claimed limitations in that Andrews teaches that the database is within the call center as opposed to being remotely located from the call center, such as in the Internet as claimed, and routing the incoming calls to the call centers. The Examiner has relied on Becker for disclosing or suggesting this deficiency, stating that the reference discloses a call router for using a database which collects from a plurality of call centers for routing the call to an available agent at the call center.

As argued above, however, Becker does not receive agent information from a plurality of call centers for storing in a database in order to route the incoming calls and the call center. Becker teaches that for each call received at the network switch, the individual call centers are queried for load status before a routing decision is made for that call. The combined art could not produce the claimed invention, because there is no teaching of a service control point in the Internet for routing IPNT calls, or communicating with and storing, as the network level, information gathered from an interface in any IPNT call center, and further, there is no enabling disclosure in the teachings of Andrews disclosing or suggesting the connection, or communication between the routing server and a service control point in the Internet.

The prior art of record clearly fails to provide such teaching, incentive or ability. Appellant therefore strongly argues that, in this case, a proper rejection under 35 U.S.C. 103(a) cannot be made combining the art of Becker with either

Ginsburg or Andrews. Appellant believes that independent claims 6, 14 and 16 or clearly shown to be patentable over the combined art of Ginsburg/Becker or Andrews/Becker. Depending claims 7-9, and 15 are therefore patentable on their own merits, or at least as the tended from a patentable claim.

In conclusion, is respectfully submitted that the prior art provided by the USPTO in this case, either singly or in combination, essentially fails to teach or suggest all of the limitations and capabilities as recited in appellant's claim language. Accordingly, appellant respectfully requests that the Board reverse the final rejection of claims 6-9, and 14-16 and hold the claims allowable.

#### 37 C.F.R 1.192(c)(9) Appendix

The following are the claims involved in the Appeal:

6. An Internet Protocol Network Telephony (IPNT) call-routing system for routing incoming IPNT calls to at least one agent workstation in an IPNT-capable call center, comprising:

an initial call-processing system in the Internet receiving IPNT calls from customers in the Internet, and including a Service Control Point (SCP) processor routing the incoming IPNT calls to selected agent addresses at the at least one call center;

characterized in that the SCP processor uses activity information, including one or more of call volume, agent status, and agent skills, received from the at least one call center to select the agent addresses at agent workstations in the at least one call center to route the incoming IPNT calls.

- 7. The IPNT call-routing system of claim 6 wherein the SCP processor communicates with a Computer Telephony Integration (CTI) processor at the at least one call center by TCP/IP protocol.
- 8. The IPNT call routing system of claim 7 wherein the CTI processor and the plurality of computer platforms are connected on a local area network at the call center.
- 9. The IPNT call routing system of claim 8 further comprising a data server processor connected to the LAN, the data server processor running an instance of a database comprising data associated with customers placing incoming calls to

the call routing system.

14. An Internet Protocol Network Telephony (IPNT) call processing system in the Internet for routing incoming calls to at least one agent workstation in an IPNT-capable call center, comprising:

an Internet routing server in the Internet for routing IPNT calls; and a database connected to the Internet routing server receiving and storing processed information about transactions in the call center, including at least one of call volume, agent status, or agent skills at the remote IPNT call center;

wherein the Internet routing server selects final destinations for the incoming calls based on the stored processed information about transactions at the IPNT-capable call centers.

- 15. The call processing system of claim 14 wherein the database receives the processed information in TCP/IP protocol over the Internet.
- 16. A method for routing an incoming IPNT call to a selected destination, comprising steps of:
- (a) collecting information at a computer telephony integration (CTI) processor in an IPNT call center regarding operations of the call center;
  - (b) processing the collected information;
- (c) transferring the processed information to a database associated with a routing processor in the Internet network for intercepting and routing incoming calls;
  - (d) receiving incoming IPNT call at the routing processor;
  - (e) retrieving the processed information from the database; and
  - (f) selecting a destination for the call based on the processed information

retrieved.

If any additional time extensions are required beyond any extension petitioned with this Appeal Brief, such extensions are hereby requested. If there are any fees due beyond any fees paid with this Appeal Brief, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,

Alec Miloslavsky

Donald R. Boys

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Donald R. Boys Central Coast Patent Agency P.O. Box 187 Aromas, CA 95004 (831) 726-1457